

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DONNA PARKER

Plaintiff

V

Benteler Steel

Defendant

Civil Action No: 5:17-cv-01435-TAD-KLH

District Judge Terry A Doughty
Magistrate Judge: Karen L Hayes

PROPOSED AMENDED AND SUPPLEMENTAL
EMPLOYMENT DISCRIMINATION SUIT

TO THE HONORABLE JUDGE OF THIS COURT:

NOW INTO COURT, through undersigned counsel comes DONNA PARKER, who desires to supplement and amend her original complaint for damages in the following aspects:

1.

By supplementing and amending the caption to plaintiff's original complaint for damages to read as follows:

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DONNA PARKER

Plaintiff

V

Benteler Steel Tube Manufacturing Corp

Defendant

Civil Action No: 5:17-cv-01435-TAD-KLH

District Judge Terry A Doughty
Magistrate Judge: Karen L Hayes

EMPLOYMENT DISCRIMINATION

TO THE HONORABLE JUDGE OF THIS COURT:

By amending and supplementing paragraph 1 to read as follows:

A. SEXUAL HARRASMENT

1. DONNA PARKER suffered a “tangible employment action” that “resulted from her rejection of supervisor’s alleged sexual harassment.” *Id.* at 283.
2. “the tangible employment action constituted a significant change in her employment status such that she was reassigned to trash detail with significantly different responsibilities from a saw operator.” *Burlington Indus., Inc. v. Ellerth*, 524 U.S. 742, 761, 118 S.Ct. 2257, 141 L.Ed.2d 633 (1998). *La Day v. Catalyst Tech., Inc.*, 302 F.3d 474, 481–82 (5th Cir.2002)
3. DONNA PARKER’s trainer stopped training her when she rejected his sexual advances and after she complained to human resources about her feelings of harassment.
4. 8/10/15 Donna Parker, requested to be moved to a different position in Benteler.
5. After her complaint, Benteler began to write DONNA negative performance evaluations stating that she was not qualified for the job of saw operator.
6. 9/16/15 Donna complained again about sexual harassment and lack of training from her trainer and then she asked again to be moved to a different job.
7. Donna Parker’s supervisor, Troy Lambright met with her to discuss reassigning her to a lesser paying job to meet her accommodations. No action was taken.
8. 10/9/15 Benteler received notice of Donna’s EEOC first EEOC complaint.

9. But Donna was terminated before being reassigned.

B. DIABILITY

DONNA PARKER showed that she (1) has a disability, or was regarded as disabled, or has a record of a disability. On November 9, 2015 Donna's doctor wrote a report to Benteler, explaining that Parker's medication may cause dizziness and frequent urination; and she state that she would appreciate any work accommodations due to parker's medication; and (3) Benteler terminated DONNA because they claim that she did not provide them with documentation from her doctor thus she was subjected to an adverse employment decision on account of her disability.

C. RETALIATION

(1) protected employee action, Donna complained of harassment and then she filed two EEOC complaints against Benteler; (2) Benteler wrote poor performance evaluations against Donna after she complained of sexual harassment to Benteler's human resources department; and (3) There is a causal connection between Benteler's poor performance evaluations complaining that Parker was not qualified for her job or that she needed to focus on learning her job and Donna's complaint that her trainer was making sexual advances toward her and then he refused to train her after she complained."

D. CONCLUSION

By amending the prayer for relief in plaintiffs' original complaint for damages to read as follows:

"WHEREFORE, Plaintiffs pray that the defendants be served with a certified copy of Plaintiffs' Original complaint suit; and the first and second amended suits; and be cited to appear and answer the same and after all legal delays and due proceedings had, that there be judgment

herein in favor of plaintiff and against the aforementioned defendants, for damages as may be reasonable in the premise in accordance with the law and evidence together with legal interest hereon from date of judicial demand until paid, and for all costs of these proceedings.

PLAINTIFF FURTHER PRAYS for all other such relief as the law, equity, and nature of the case permit.

PLAINTIFF FURTHER repeats and reiterates each and every allegation to be found in her original suit inclusive as if copied herein extension and as amended.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above pleading was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all parties in the matter by operation of the court's electronic filing system.

S/Edward Moses Jr

Respectfully submitted

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